

akerman

MEMO ENDORSED

February 4, 2025

VIA ECF

Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Munoz-Hilliard v. Mount Sinai Morningside Hospital, et al.
24 Civ. 02598 (VEC)

Dear Judge Caproni:

On behalf of our clients, Mount Sinai Morningside Hospital and Jenny Ng ("Defendants"), and as directed by the Court, submitted herewith are pages from *pro se* Plaintiff's complaint and exhibits that contain confidential patient information, including patient names, medical record numbers, and phone numbers. This is all protected health information ("PHI") the disclosure of which is prohibited by the Health Insurance Portability and Accountability Act ("HIPAA"). This information appears on pages 78-81 and 83-84 of Exhibit 8 to the *pro se* Complaint (Docket No. 1). Exhibit A hereto are the proposed redactions to these pages. Defendants request that the redacted pages be substituted for the original pages and that the original pages be filed under seal.

Respectfully submitted,

/s/ Rory J. McEvoy

Rory J. McEvoy

cc: Mr. Antonio Munoz-Hilliard (via ECF)
Plaintiff *Pro Se*

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Application GRANTED. Defendants' motion to seal the Complaint and Exhibits at Dkt. 15 is GRANTED.

Plaintiff is directed to file the Complaint with the redactions on pages 78-81 and pages 83-84 of Exhibit 8 that Defendants identified by no later than February 14, 2025.

SO ORDERED.

2/5/25

A handwritten signature in blue ink, appearing to read "Valerie Caproni", is written over the typed name.

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

EXHIBIT A

explained that we could talk about this the following Monday, and clarified that you were not expected to respond to my e-mails while you were taking lunch. You replied that you "didn't need help with [your] documentation, [you] need clear and accurate information, which neither of you provided."

Here is a copy of the of the email exchange we had in regarding to account of what transpired.

Hey, so let's talk about this in person on Monday then. I emailed you so I can help you with the documentation. You were not expected to respond to my emails since you were taking lunch.

From: Munoz-hilliard, Antonio <Antonio.Munoz-hilliard@mountsinai.org>

Sent: Friday, March 17, 2023 1:39 PM

To: Ng, Jenny <Jenny.Ng2@mountsinai.org>

Subject: RE: [REDACTED]

Stop, this is only getting worse. You continue to want to do this via email, which is not working. I was at the meeting speaker phone, if that is what you said, that is not what I heard.

Jaime demand was

Tony can you call the referent to ask if this client attended telehealth appointment and then close case?

I am supposed to be at lunch, and here I am with you.

No you're asking me/making it my fault and correct the miscommunication with R/s

I am done, I am getting sick from all of this and my lunch is ruined and now I have to go on visit.

Thanks

Have a great weekend!

From: Ng, Jenny <Jenny.Ng2@mountsinai.org>

Sent: Friday, March 17, 2023 1:31 PM

To: Munoz-hilliard, Antonio <Antonio.Munoz-hilliard@mountsinai.org>

Subject: RE: [REDACTED]

If it helps with your documentation, call the r/s to explain why we are closing the case.

Otherwise, we still need to document this for our internal chart review purposes on why we are closing the case. You can write the following in a separate paragraph, "Reason for case closure: MCT will proceed with case closure since pt was no longer residing at the address listed on the NYC

Hey, so in the EOD meeting, we did discuss why we would close out her case regardless if she attended her appointment or not; we do not have an updated address for the pt and pt did not call us back.

Well referral and pt did not call MCT back from her new number [REDACTED] with her updated address."

Thank you.

From: Munoz-hilliard, Antonio <Antonio.Munoz-hilliard@mountsinai.org>

Sent: Friday, March 17, 2023 1:17 PM

To: Ng, Jenny <Jenny.Ng2@mountsinai.org>

Subject: RE: [REDACTED]

I am out to lunch

Jenny we just had an EOD meeting and none of your requests were discussed or shared. All that was said at EOD mee referent to see if pt attended and close case

Which is what I did after being order by college.

From: Ng, Jenny <Jenny.Ng2@mountsinai.org>

Sent: Friday, March 17, 2023 1:13 PM

To: Munoz-hilliard, Antonio <Antonio.Munoz-hilliard@mountsinai.org> **Subject:** RE: [REDACTED]

To clarify, I am not asking you to write something that you did not say to her. I am asking you to add more details in y note that include why we are closing the case.

You can call her back to explain that we are closing the case since pt was no longer residing at the address listed on the NYC Well referral and pt did not call MCT back from her new number [REDACTED] with her updated address. Otherwise, I am asking you to clarify in your note for chart review purposes to explain why we are closing the case on our end. Just like when you have explained in your previous notes that MCT is closing the case because pt is linked back to treatment except in this case, we are explaining a different reason why we are closing the case. Thanks.

From: Munoz-hilliard, Antonio <Antonio.Munoz-hilliard@mountsinai.org>

Sent: Friday, March 17, 2023 1:06 PM

To: Ng, Jenny <Jenny.Ng2@mountsinai.org>

Subject: RE: [REDACTED]

I will add the date and time, but I will not put the rest since I did not share that with her. You are putting words in my mouth. If you want to write that I will be more than happy to add to my note.

From: Ng, Jenny <Jenny.Ng2@mountsinai.org>

Sent: Friday, March 17, 2023 1:03 PM

To: Munoz-hilliard, Antonio <Antonio.Munoz-hilliard@mountsinai.org>

Subject: RE: [REDACTED]

This writer contacted R/s Anne Wendland, NP @ Bellevue hospital 718-674-5575 to confirm whether IO attended her appointment today at 10:45AM. R/s Anne stated that IO didn't attend her appointment but she had word from someone close to IO that she has made an appointment with New York Psychotherapy Counseling Center with therapist Gisela 718-485-2100. R/s Anne will keep IO's case open for 30 days in case she needs medications, but stated that IO should have two weeks left of medications. This writer informed R/s Anne of case closure. MCT will proceed with case closure since pt was no longer residing at the address listed on the NYC Well referral and pt did not call MCT back from her new number [REDACTED] with her updated address. No further intervention from [REDACTED]

Thanks. Please add the highlighted part to your note. This way, we are clear with the date and time of the appointment and we explain why we are closing the case.

MCT needed at this time, case is now closed.

From: Munoz-hilliard, Antonio <Antonio.Munoz-hilliard@mountsinai.org>

Sent: Friday, March 17, 2023 1:00 PM

To: Ng, Jenny <Jenny.Ng2@mountsinai.org>

Subject: RE: [REDACTED]

But I did not speak with her about that, that would mean I am writing something I did not say.

From: Ng, Jenny <Jenny.Ng2@mountsinai.org>

Sent: Friday, March 17, 2023 12:59 PM

The date and time are factual. I made an edit to the second part so that it is factual instead of appearing as you explained it to her. We have to justify why we are discharging our case. Thanks!

To: Munoz-hilliard, Antonio <Antonio.Munoz-hilliard@mountsinai.org> **Subject:** RE: [REDACTED]

From: Munoz-hilliard, Antonio <Antonio.Munoz-hilliard@mountsinai.org>

Sent: Friday, March 17, 2023 12:49 PM

To: Wilson, Jamie <Jamie.Wilson@mountsinai.org>; # Mobile Crisis Team <MCT@mountsinai.org>

Subject: [REDACTED]

@ 12:26 pm

This writer contacted R/s Anne Wendland, NP @ Bellevue hospital 718-674-5575 to confirm whether IO attended her appointment today at 10:45AM. R/s Anne stated that IO didn't attend her appointment but she had word from someone close to IO that she has made an appointment with New York Psychotherapy Counseling Center with therapist Gisela 718-485-2100. R/s Anne will keep IO's case open for 30 days in case she needs medications, but stated that IO should have two weeks left of medications. This writer informed R/s Anne of case closure since pt was no longer residing at the address listed on the NYC Well referral and pt did not call MCT back from her new number [REDACTED] with her updated address. No further intervention from MCT needed at this time, case is now closed.

On or about March 20, 2023, we met to discuss the patient note, among other things. You insisted on an apology for my March 17, 2023 email, and repeatedly claimed you get "sh-tted on" when you don't "do something right." I reminded you were not being yelled at or reprimanded, and that we were not asking questions because we thought you did something "wrong." You repeated that you were being "sh-tted on." You finally updated the note as requested.

On or about March 27, 2023, while you and I were out in the field, you stated in sum and substance, "[another co-worker] is creating a toxic environment. Pm f-cking sick and tired of this. I am not going to be a team player. They need to be a team player. I do not want to repair our [another co-worker] relationship."

October 2019; I have not had any issues let alone any disciplinary issues. But what I do know and how it feels is that in February of 2023 I filed for accommodation under the ADA. An accommodation that you were not happy about which makes me think that this is retaliation for my accommodation.

On March 23, Jamie left the office to take care of personal business according to her email. Was required to use PTO, like I am asked to take PTO when I am taking time off from work. If not, then I am being treated differently from my co-workers.

From: Wilson, Jamie <Jamie.Wilson@mountsinai.org>

Sent: Thursday, March 23, 2023 10:59 AM

To: Munoz-hilliard, Antonio

<Antonio.Munoz-

hilliard@mountsinai.org> **Cc:** Ng,

Jenny <Jenny.Ng2@mountsinai.org>

Subject:

Can you meet me at the client's home at 12pm? For [REDACTED] I have to make a quick stop somewhere first.

On March 23, Jamie left the office to take care of person business according to her email. Was required to use PTO, like I am asked to take PTO when I am taking time off from work. If not, then I am being treated differently from my co-workers.

It appears there is an issue with habitual issue between Jamie and me. One that I do not understand. One that I have asked you to address, but I never know how it has been resolved cause it continues to happen.

From: Wilson, Jamie <Jamie.Wilson@mountsinai.org>

Sent: Thursday, September 15, 2022 7:46 PM

To: Munoz-hilliard, Antonio <Antonio.Munoz-

hilliard@mountsinai.org> **Subject:** [REDACTED]

Hello,

Due to the 4 back-to-back referrals today, 9/15, we did not have time when getting back to the office to close this case referent. I was just curious why you did not call referent to close it when you were in the office?

Hello,

While I understand that team was hit with 4 back to back referrals. And there was not enough coverage for the team. I would like to remind you that I have had request PTO for yesterday. Attached is the email by Clinical Crisis Manager regarding the procedure to request time off and the

attached policy. I am also enclosing the email sent by the Clinical Crisis Manager during her PTO, giving instruction that I was not available between 2pm-4pm. Since my shift ends at 4pm I was technically off at 2pm.

We did not do the EOD meeting until late morning. I remember since we were having a jovial conversation regarding 11:11.

- The first referral came in at 12:12pm [REDACTED] which came under the wrong name. At 12:22 I sent out the email informing the team of the correct name for [REDACTED] after an exhaustive search.
- The second referral came in at 12:18 pm [REDACTED] again under the wrong spelling from NYCWell. You came and informed me that he had been in our CPEP in august so he should have had an MRN number at 12:34 pm I was able to find his records after a exhaustive search.
- The third referral came in at 12:52pm, [REDACTED] you and I had a conversation about calling NYCWell and rejecting the referral, because she had been to our CPEP less than 24 hours seen and evaluated/assessed and deem not in danger to self or others. The referent her mother was not aware that she had walked herself to the CPEP. You asked me to contact her psychiatrist for collateral. At 1:10 pm I called Dr. Ravan and emailed the team at 1:28pm about my conversation with him.
- At 1:28 pm I sent out an email to the team that I was going to lunch.
- My meeting started promptly at 2:00 pm
- The fourth referral came in at 3:23 pm, [REDACTED] knowing that the team was already taxed with 3 referrals and a transport I looked up the information for this referral while in my meeting

So to answer your question, I was not on the clock and did not call the referent to close the case because my day ended at 2pm.

@ 8:44 am

This writer contacted R/s Alexey Dmitriyev, supervisor at supportive housing program called Faces NY, 646-470-5094 to provide update and case closure. R/s Alexey states he has not done the APS referral he is having problems with the new referral process. R/s thank team for efforts, case is now closed. No further role for MCT at this time.

From: Wilson, Jamie <Jamie.Wilson@mountsinai.org>

Sent: Friday, March 10, 2023 8:21 AM

To: Ng, Jenny <Jenny.Ng2@mountsinai.org>

Cc: # Mobile Crisis Team <MCT@mountsinai.org>

Subject: Re: [REDACTED]

Okay, Tony can you call the referent and close the case pls? And just remind them or ask about the aps case the referent said he was making. Thanks

Sent from my iPhone